

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ERIC R. SILSBY,

Plaintiff,

v.

OWNIT MORTGAGE SOLUTIONS, INC.;
et al.,

Defendants.

3:11-CV-0476-LRH-VPC

ORDER

Before the court is defendants' motion to expunge lis pendens. Doc. #27.¹ Plaintiff Eric R. Silsby did not file a response to the motion.

On March 28, 2006, Silsby purchased real property through a mortgage note and deed of trust executed by defendant Ownit Mortgage Solutions, Inc. ("Ownit"). Silsby defaulted on the loan and defendants initiated non-judicial foreclosure proceedings.

Subsequently, on May 18, 2011, Silsby filed a complaint against defendants alleging nine causes of action: (1) debt collection violations; (2) Nevada Unfair and Deceptive Trade Practices Act, NRS 598.0923; (3) Nevada Unfair Lending Practices Act, NRS 598D.100; (4) breach of the covenant of good faith and fair dealing; (5) NRS 107.080; (6) quiet title; (7) fraud; (8) slander of title; and (9) abuse of process. Doc. #1, Exhibit 2. Defendants filed a series of motions to dismiss

¹ Refers to the court's docketing number.

1 (Doc. ##5, 7) which were granted by the court (Doc. #19). In response, Silsby filed a motion for
2 reconsideration (Doc. #21) which was denied by the court (Doc. #25). Thereafter, defendants filed
3 the present motion to expunge lis pendens to which Silsby did not respond. Doc. #27.

4 The failure of an opposing party to file points and authorities in response to any motion
5 shall constitute a consent to the granting of the motion under LR 7-2(d). Moreover, the court finds
6 that defendants' motion to expunge lis pendens is warranted based on the court's order of
7 dismissal. Doc. #19. Accordingly, the court shall grant defendants' motion to expunge lis pendens.

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9 IT IS THEREFORE ORDERED that defendants' motion to expunge lis pendens (Doc. #27)
10 is GRANTED. Defendants shall have ten (10) days to submit an appropriate proposed order
11 expunging the lis pendens and submit the same for approval and signature.

12 IT IS SO ORDERED.

13 DATED this 24th day of January, 2013.



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16 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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